GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – M.A. & U.D. Department – Srikakulam Municipality - Allegations levelled against Sri D.S.V. Deva Kumar, former Town Planning Officer of Srikakulam Municipality for allowing unauthorized construction in the name of Aruna Plaza in Srikakulam - Departmental Proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMEN (VIG.1) DEPARTMENT

G.O.RT.No. 326 **Dated: 10-04-2018**

Read

G.O.Rt.No.324 M.A. & U.D. (Vig.I) Department, dt:10.04.2018.

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O R D E R:

It is proposed to hold an enquiry against Sri D.S.V. Deva Kumar, former Town Planning Officer of Srikakulam Municipality in accordance with the procedure laid down in Rule 20 of the A.P.Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set-out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witness by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure- III and IV).

3. Sri D.S.V. Deva Kumar, former Town Planning Officer of Srikakulam Municipality is directed to submit a written statement of defense within (10) days of the receipt of this order.

4. Sri D.S.V. Deva Kumar, former Town Planning Officer of Srikakulam Municipality is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri D.S.V. Deva Kumar, former Town Planning Officer of Srikakulam Municipality is further informed that, if he does not submit written statement of defense on or before the date specified in para (3) above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 or the orders issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against his ex -parte.

6. Attention of Sri D.S.V. Deva Kumar, former Town Planning Officer of Srikakulam Municipality is invited to Rule 24 of the A.P.Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or

(PTO)

attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings, it will be presumed that Sri D.S.V. Deva Kumar, former Town Planning Officer of Srikakulam Municipality is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the A.P.Civil Services (Conduct) Rules, 1964.

7. The Director of Town & Country Planning, A.P., Guntur is directed to furnish the copies of documents as per Annexure-III to Sri D.S.V. Deva Kumar, former Town Planning Officer of Srikakulam Municipality.

8. The receipt of the G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri D.S.V. Deva Kumar, former Town Planning Officer of Srikakulam Municipality **through** the Director of Town & Country Planning, A.P., Guntur.
The Director of Town & Country Planning, AP, Guntur.

Copy to:

The Director General, General Administration (V&E) Department.
The Secretary to APVC, 5th Block, A.P. Secretariat, Velagapudi.
The Commissioner, Srikakulam Municipality, Srikakulam District.
The Principal Accountant General (A&E), A.P., Hyderabad.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure-I to G.O.Rt.No.326 , M.A. & U.D. (Vig.I) Department, dated:10.04.2018

Statement of articles of charges against Sri D.S.V. Deva Kumar, former Town Planning Officer of Srikakulam Municipality:

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Article Charge-I:

That said Sri D.S.V. Deva Kumar, during his officiation as TPO in Srikakulam Municipality, had shown gross negligence in discharging day to day official duties thereby allowed violations against the approved plan for construction of a Building in the name Aruna Plaza in T.S.No.967 of Relli Veedhi, Municipal Road, Opp. Forest Office, Srikakulam at initial stage and thereby held responsible for the same.

Basis of the Charge:

The builder, M/s Aruna Constructions has applied for construction of semi commercial building plan for according approval on 17.03.2010. The Commissioner, Srikakulam Municipality has submitted plan proposals to the Vice Chairman, VUDA, Visakhapatnam to accord technical clearance for the proposal of Cellar + GF+ 3 upper floors in T.S.No.967/1 P & 2p of Srikakulam Municipality vide letter Rc.No.1015/2010/G1, dt:19.03.2010. Technical clearance was accorded by the VUDA after payment of Rs.8,45,117/- on 12.07.2010 made towards processing fee, Development charges and Notification charges. The plan was approved vide Roc.No.1015/2010/G1, dt: 04.06.2011 by the Commissioner, Srikakulam Municipality on 04.06.2011. The concerned Municipal authorities have noticed the violations/deviations in construction against the approved plan on 28.6.2012 and issued notice to the Builder on 28.06.2012. Again the said building was inspected on 30.06.2012 and issued notice. In response the builder has submitted replies, stating that the construction of the building was being done under the supervision of Civil Engineer. Hence, he has not noticed the deviations to the approved plan. Further informed that he is ready to pay necessary fees for the deviations against the approved plan.

The Commissioner, Srikakulam Municipality has issued another notice in B.A.U.C.No.65/2012/TPBO-3 Dt.26.7.2012 based on the replies of the builder, stating that the builder is responsible for the deviations to the approved plan and hence requested to remove the additional constructions.

Further, the Commissioner, Srikakulam Municipality vide Lr.RC. No.1015/2010/G1, dt.30.06.2012 has addressed the Divisional Engineer, APEPDCL, Srikakulam not to provide any power connection to the said commercial building without submission of occupancy certificate.

The Commissioner, Srikakulam Municipality vide Lr.RC.No.1015/ 2010/G1, dt.30.06.2012 has also addressed the Sub-Registrar, Srikakulam requesting not to register the floors to any other persons as the Builder has executed mortgage in favour of Srikakulam Municipality to an extent of 335.09 Sq.Mts.

Apart from the above, a show cause notice to the Builder, Structural Engineer and Architect has also been issued vide Roc.No.1015/2010/G1, dt.31.08.2012 for the deviations in construction against the approved plan. The Municipal Authorities have also filed Petition in the Court of the Special Judicial IInd Class Magistrate, Srikakulam vide Prosecution Register No.72/2012 against the builder for payment of Rs.5,38,167/- towards deviations.

As it is thus, the Builder has submitted revised plan for according approval from the VUDA and Commissioner, Srikakulam Municipality, stating that deviations in original approved plan worked out within 10% and requested to consider the road widening relaxation and permission for construction of 3rd floor for commercial purposes. Based on the representation of the Builder, the Commissioner, Srikakulam Municipality has addressed VC, VUDA, Visakhapatnam vide Lr.Rc.No.1015/2012/G1, dt: 12.10.2012 by forwarding the revised proposals based on the technical remarks of the Town Planning Staff, wherein it was stated that the applicant has requested for relaxation for the site left over by him for the road widening to an extent of 57.93 Sq mts, which was earlier not claimed.

But the Builder has submitted the affidavit for undertaking-(D1) road widening on notarized document at the time of original plan approval with a condition that the road widening area 57.93 Sq.mt. will be surrendered to the Srikakulam Municipality without claiming any compensation towards land and the structures existing on the road widening site. Further mentioned that he should not claim any additional built up area in future.

The Commissioner, Srikakulam Municipality has issued instructions to the charged officer to be more vigilant & conduct regular inspections from time to time to prevent any deviation against the approved plan and intimate the same for taking necessary action vide Note dt. 10.11.2011. But the charged officer has not inspected the building from time to time and not initiated action for issuing Notices to the builder till 28.06.2012.

The deviations noticed to the Building in question is as follows:

Sl. No.	Description	Required per G.O.Ms. No. 678, MA, dt. 07.09.2007	Proposed in the Plan	As On Ground	Difference
1	Front - (N)	4.00 M	5.50 M	5.50 M (2.15 M balcony covered)	0.22 M balcony excess
2	Rear - (S)	4.00 M	4.00 M	3.60 M (1.80 M balcony)	0.40 M balcony excess
3	Side open - (E)	4.00 M	4.00 M	3.60 M to 4.15 M (1.80 M balcony & 2.60 M Stair case)	0.40 M Stair Case excess

4	Side open (W)	4.00 M	2.50 M (1.50 M setback transfer to front setback)	2.15 M	
5	Tot - Lot	74.96 Sq. Mts.	76.96 Sq. Mts.	76.58 Sq. Mts.	
6	Parking	921.49 Sq.Mts.	987.23 Sq.Mts.		
7	Mortgage	335.09 Sq.Mts.	335.09 Sq.Mts.		
8	Road width	12.00 Mts.	18.30 Mts. As per ZDPs	14.03 to 15.55 Mts.	

Floor wise area :

Sl. No.	**Floor**	**Proposed in Plan**	**Area as Constructed**	**Difference**
1	Ground floor	18.53 x 45.54 = 843.86 Sq.Mts. (-) Deduct = 27.00 Sq.Mts. ---------- 816.86 Sq.Mts.	19.45 x 45.90 = 892.76 Sq.Mts.	75.90 Sq.Mts.
2	First floor	18.53 x 45.54 = 843.86 Sq.Mts.	19.45 x 45.90 = 892.76 Sq.Mts.	48.90 Sq.Mts.
3	Second floor	18.53 x 45.54 = 843.86 Sq.Mts.	19.45 x 45.90 = 892.76 Sq.Mts.	48.90 Sq.Mts
4	Third floor	18.53 x 45.54 = 843.86 Sq.Mts.	19.45 x 45.90 = 892.76 Sq.Mts.	48.90 Sq.Mts.
Total :3348.44 Sq.Mts.			3571.04 Sq.Mts.	222.60 Sq.Mts.

Balconies :

Sl. No.	**Floor**	**Proposed in Plan**	**Area as Constructed**	**Difference**
1	North	**--**	19.45 x 2.15 = 41.82 Sq.Mts.	41.82 Sq.Mts.
2	South	**--**	21.25 x 1.80 = 38.25 Sq.Mts.	38.25 Sq.Mts.
3	East	**--**	43.00 x 1.80 = 77.40 Sq.Mts.	77.40 Sq.Mts.
4	West	**--**	**--**	--
5	Stair Case	**--**	2.60 x 5.05 = 13.13 Sq.Mts.	13.13 Sq.Mts.
	Total for one floor		170.60 Sq.Mts.	170.60 Sq.Mts.
Total for all floors: 170.60 x 3 = 511.80 Sq.Mts.				511.80 Sq.Mts.

Main Building floor area	:	3571.04 Sq.Mts.
Balconies and Stair Case	:	511.80 Sq.Mts.
Total	:	4082.84 Sq.Mts.
As per approved plan	:	3384.44 Sq.Mts.

Difference in area : 734.40 Sq.Mts (excess than the approved plan.)

As per the job chart, it is the prime duty of the TPO to monitor and supervise his subordinate staff to inspect each and every building approved by the concerned Municipality and in case any deviations are observed, the same should be brought to the notice of the Executive Authority immediately. It is very clear from the deviations as noticed in respect of the Building in question that the charged officer has not monitored and supervised his subordinate staff to inspect said building from time to time and not prepared any notices even though observed violations during his inspection in the month of April 2012, thus shown gross negligence in discharging day to day official duties thereby allowed violations against the approved plan for construction of the Building in the name Aruna Plaza in T.S.No.967 of Relli Veedhi, Municipal Road, Opp. Forest Office, Srikakularn at initial stage and hence disciplinary action is inevitable.

Article of Charge-II:

That the said Sri D.S.V.Deva Kumar, during the period of his officiation as TPO in the aforesaid Municipality, had filed in issuing Notices in time to stop the unauthorized construction and thereby held responsible for the same.

Basis of the Charge:

As evident from Article of Charge No. 1 the Building Complex in the name of Aruna Plaza in Srikakulam Municipality is constructed with violations against the approved plan. But the charged officer has been silent during the course of construction upto 28.06.212 and then started action in issuing Notices to the Builder for dismantling the deviated portion, which is not proper.

Further, the revised plan proposals submitted by the Building in due course has been forwarded to VUDA based on the technical remarks of the charged officer without considering the condition in the affidavit submitted by the Builder while approving the original plan that he should not claim any additional built up area in future in the permitted area under Road widening. Not discharged his duties in conformity with rules regarding conduct of mandatory inspection (s) as per rules and failed to stop unauthorized construction and unable to supervise his sub-ordinate staff effectively. If he had supervise/ manage his subordinate staff effectively, the unauthorized construction as indicated in Articles of Charge-I could have been averted. Therefore, the charged officer, being the important field functionary, is directly responsible for the lapse.

Thus it is evident that the charged officer had failed in issuing Notices in time to stop the unauthorized construction, thereby held responsible.

Article of Charge-III:

That the aforesaid officer, while functioning in the aforesaid post during the aforesaid period of his officiation in the aforesaid office, had failed to discharge his legitimate duties with due care and diligence and thereby held responsible for the same.

Basis of the Charge:

As evident from the above charges, the charged officer did not care to perform his duties properly and allowed the unauthorized construction in disregard to the rules, resulted in cropping up of unauthorized building as indicated in Articles of Charge-I, thereby failed in discharging his legitimate duties with due care and diligence.

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure - II to G.O.Rt.No.326 , M.A. & U.D. (Vig.I) Department, dated:10.04.2018

Statement of Imputation of misbehaviour / misconduct against Sri D.S.V. Deva Kumar, former Town Planning Officer of Srikakulam Municipality

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On credible information, the Vigilance and Enforcement Authorities have verified the Construction of Building Complex in the name Aruna Plaza, in T.S.No.967 of Relli Veedhi, Municipal Road, Opp. Forest Office, Srikakulam.

It has been observed by the V&E authorities that the builder, M/s Aruna Constructions has submitted Plan proposals for Cellar + Ground floor + three upper floors to the Commissioner, Srikakulam Municipality in a site admeasuring to an extent of 1499.15 Sq.Mts. The Commissioner, Srikakulam Municipality has approved the plan vide BA No.1051/2010/G1 on 04.06.2011 based on the technical clearance given by VUDA. The Builder has started the construction work in total deviation to the approved plan in connivance with the Town Planning Staff in Srikakulam Municipality.

The charged officer during the course of his officiation at said Municipality has not initiated any prompt and timely action in issuing Notices as required under Rules in order to stop the said unauthorized construction at initial stage of its construction made in total deviation to the approved plan, showing gross negligence in discharging his day to day official duties thereby allowed violations/deviations against the approved plan.

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure-III to G.O.Rt.No.326, M.A. & U.D. (Vig.I) Department, dated:10.04.2018

List of documents by which the articles of charges framed against Sri D.S.V. Deva Kumar, former Town Planning Officer of Srikakulam Municipality:

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1. Files, where in Building approvals accorded along with U.C. file and court file, if any.
2. A.P.M. Act, 1965.
3. Building Rules and Zoning Regulations in vogue.
4. G.Os relates to the subject matter in vogue.
5. G.A (V&E) Dept., V.R No.13 (C.No.2115/V&E/D1/2012), dated: 18.02.2016

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure-IV to G.O.Rt.No.326 , M.A. & U.D. (Vig.I) Department, dated:10.04.2018

List of witnesses by whom the articles of charge framed against Sri D.S.V. Deva Kumar, former Town Planning Officer of Srikakulam Municipality are proposed to be sustained:

-NIL-

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER